

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21461 of 2004

Between:

A. Gopalakrishna, S/o. Late Suryanarayana,
Mallipudi Village, V.R.Peta, S.Kota Mandal, Vizianagaram District.

..... PETITIONER

AND

- 1 The Revenue Divisional Officer, Vizianagaram.
- 2 The District Collector, Vizianagaram.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in issuing Notification No.44/04.H, dated 6-11-2004 in respect of Item No.1 of Venkataramanapeta-II, S. Kota Mandal, Vizianagaram District as arbitrary, illegal and in violation of the principles of natural justice and Article 21 of the Constitution of India and consequently set aside the same.

Counsel for the Petitioner:MR.M.KESAVA RAO

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

Petitioner is a fair price shop dealer of Venkataramanapet village, S. Kota Mandal, Vizainagaram district. His authorization is said to be valid till 31.03.2005. He challenges the proceedings dated 06.11.2004 issued by the Revenue Divisional Officer, Vizainagaram, the first respondent, where under the said fair price shop is sought to be bifurcated.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

Learned counsel for the petitioner urged several grounds in support of his contention, ranging from feasibility to economic viability. This Court would certainly have appreciated the contentions, but for the finality attached to the issue by the Hon'ble Supreme Court in *District Collector and another v. B. Suresh*. The Supreme Court held that it is the prerogative of the Government to establish or bifurcate the fair price shops and the policy of the Government either to bifurcate the existing shops or to re-arrange them cannot be interfered with by the Courts. It was further held that economic viability or the lack of it does not constitute the ground for interference.

Following the above said Judgment, the writ petition is dismissed. No order as to costs.

25.11.2004

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To

- 1 The Revenue Divisional Officer, Vizianagaram.
- 2 The District Collector, Vizianagaram.
- 3 Two CCs. to the G.P. for Civil Supplies, High Court of A.P.,
Hyderabad (OUT)
- 4 Two CD copies.